Heien v. North Carolina, --- U.S. --- (2014)
Decided December 15, 2014

FACTS: At about 8 a.m., on April 29, 2009, Sgt. Darisse (Surry County SD, NC) was watching traffic on I-77, near Dobson. He spotted a car pass by, and noted that the driver looked "very stiff and nervous." He began to follow and after a few miles, as the vehicle braked briefly, saw that only the left brake light came on. He then pulled the vehicle over, believing he had witnessed a traffic offense under state law.

Vasquez was driving and Heien lay across the back seat. Sgt. Darisse explained why he'd stopped the car, and indicated that so long as Vasquez's information checked out, he would only get a warning. Nothing was found and the warning was issued. However, Sgt. Darisse remained suspicious, as Vasquez appeared very nervous and Heien "remained lying down the entire time." They gave inconsistent responses about their destination. Darisse asked if they were transporting contraband, which both denied. Vasquez did not object to a search of the car, but indicated Sgt. Darisse would have to ask Heien, because he owned it. Heien also consented and the vehicle was searched, with the help of a second officer. In the side compartment of a duffle bag, they found a baggie of cocaine; both men were arrested.

Heien was charged with attempted trafficking in cocaine. He moved for suppression, arguing that in fact, no traffic violation had been committed. The trial court ruled Sgt. Darisse had at least reasonable suspicion for the stop. Heien took a conditional guilty plea and appealed.

The North Carolina Court of Appeals reversed, finding that in fact, under state law, there was a question as to whether two working brake lights were required. The Court discussed the inconsistency between several traffic statutes and concluded that two brake lights were not required. As such, the court agreed the stop was "objectively unreasonable" and violated the Fourth Amendment. North Carolina appealed and the state Supreme Court reversed and reinstated the trial court decision (and subsequent plea). It noted that even if mistaken, it was reasonable for Sgt. Darisse to believe that both brake lights were required to be in "good working order."

Ultimately, Heien requested certiorari and the U.S. Supreme Court granted review.

ISSUE: May a mistake of law, made by an officer, still support an investigatory stop?

HOLDING: Yes

DISCUSSION: The Court agreed that a "traffic stop for a suspected violation of law is a 'seizure' of the occupants of the vehicle" and thus the Fourth Amendment applies. However, all that is required is "reasonable suspicion" and "the question here is whether reasonable suspicion can rest on a mistaken understanding of the scope of a legal prohibition."

The Court went on, noting that "to be reasonable is not to be perfect, and so the Fourth Amendment allows for some mistakes on the part of government officials, giving them 'fair leeway for enforcing the law in the community's protection.'"[1] The Court reiterated that searches and seizures based on mistakes of fact can be found to be reasonable.

[1] Brinegar v. U.S., 338 U.S. 160 (1949).

The Court continued:

> But reasonable men make mistakes of law, too, and such mistakes are no less compatible with the concept of reasonable suspicion. Reasonable suspicion arises from the combination of an officer's understanding of the facts and his understanding of the relevant law. The officer may be reasonably mistaken on either ground. Whether the facts turn out to be not what was thought, or the law turns out to be not what was thought, the result is the same: the facts are outside the scope of the law. There is no reason, under the text of the Fourth Amendment or our precedents, why this same result should be acceptable when reached by way of a reasonable mistake of fact, but not when reached by way of a similarly reasonable mistake of law.

The court noted that precedent supported "treating legal and factual errors alike in this context." The court looked to the most recent case, Michigan v. DeFillippo, and noted that it had ruled that an arrest based upon an ordinance later determined to be unconstitutional was valid.[2] In that case, it was valid for the officers to assume that the ordinance was legal, and that was all that was required.

Further, the Court disagreed with Heien's contention that the reasons that allowed for errors of fact "do not extend to errors of law." Heien argued that errors of fact made by officers of the field, making "factual assessments on the fly," may be entitled to leeway, but that errors of law do not. However, the Court noted that argument "does not consider the reality that an officer may 'suddenly confront' a situation in the field as to which the application of a statute is unclear – however clear it may later become." Further, ruling in North Carolina's favor "does not discourage officers from learning the law," as the "Fourth Amendment tolerates only *reasonable* mistakes, and those mistakes – whether of fact or of law – must be *objectively* reasonable." The Court noted that the evaluation is not subjective, and that it is not as forgiving as the assessment used in a qualified immunity consideration. "Thus, an officer can gain no Fourth Amendment advantage through a sloppy study of the laws he is duty-bound to enforce." The Court further noted that "just because mistakes of law cannot justify either the imposition or the avoidance of criminal liability, it does not follow that they cannot justify an investigatory stop."

The Court briefly addressed the confusion inherent in two state statutes that appeared, at least on the surface, to conflict, and which had never before been construed by the North Carolina appellate courts. The Court found it entirely reasonable that Sgt. Darisse believe it was a violation of state law to have only one working brake light.

The Court affirmed the decision of the North Carolina Supreme Court, and upheld Heien's plea.

FULL TEXT OF OPINION: http://www.supremecourt.gov/opinions/14pdf/13-604_ec8f.pdf

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[2] 443 U.S. 31 (1979).